

## AN ORDINANCE

## COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT A PERMANENT CONSTRUCTION AND MAINTNEANCE EASEMENT TO GEORGIA POWER COMPANY FOR THE PURPOSE OF INSTALLING AN ELECTRIC TRANSMISSION LINE AT THE NORTHWEST BOUNDARY OF ADAIR PARK II, SO AS TO PROVIDE SERVICES TO NEW CUSTOMERS IN THAT AREA AND TO ACCOMMODATE FOR FUTURE GROWTH, LOCATED IN LAND LOT 107 OF THE 14TH DISTRICT OF FULTON COUNTY ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS.

Whereas, Georgia Power Company is requesting the City of Atlanta, Department of Parks, Recreation and Cultural Affairs to grant a permanent construction and maintenance easement for the purpose of installing an electric transmission line at the northwest boundary of Adair Park II so as to allow for serving new customers in the area and to accommodate for future growth, the proposed route will run from Metropolitan Avenue to a new substation at 1200 White Street; and

Whereas, Georgia Power Company will be responsible for the payment of all costs associated with the construction, maintenance and installation of the electric transmission line; and

Whereas, a permanent construction and maintenance easement is required to install the electric transmission line in Land Lot 107 of the 146' District of Fulton County, Georgia.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the Mayor be and is hereby authorized to grant a permanent construction and maintenance easement to the Georgia Power Company for the purpose of installing an electric transmission line at the northwest boundary of Adair Park II so as to allow for servicing new customers in the area and to accommodate for future growth, the proposed route will run from Metropolitan Avenue to a new substation at 1200 White Street, in Land Lot 107 of the 14u' District of Fulton County, Georgia.

Section 2: That the Acting Commissioner of the Department of Parks, Recreation and Cultural Affairs acting as the Mayor's designee, is authorized to review and approve the terms and conditions of the permanent construction and maintenance easement.

Section 3: That Georgia Power Company will be responsible for the payment of all costs associated with the permanent construction and maintenance easement of the electric transmission line at the northwest boundary of Adair Park II, located in Land Lot 107 of the 1461 District of Fulton County, Georgia.

Bin 10151  
241 Ralph McGill Boulevard  
Atlanta, Georgia 30308-3374  
Tel 404.506.6526



May 7, 2001

Mr. Karl L. McCray, Commissioner of Parks,  
Recreational, and Cultural Affairs  
City of Atlanta  
City Hall East, Eight Floor  
675 Ponce de Leon Avenue, N.E.  
Atlanta, Georgia 30308

RE: White Street 115kV Transmission Tap Line  
Letter File No. 6-3057

Dear Mr. McCray:

Georgia Power Company has plans to build an electric transmission line from Metropolitan Avenue to a new substation site at 1200 White Street in the West End area of Atlanta. We have selected a preferred route for this line and our proposed easement will cross land owned by the City of Atlanta in this area. This tract of land is referred to as Adair Park #2 and the proposed easement area will run in a north to south direction along the western border of this property.

Enclosed is Georgia Power Company's easement with the legal description and special survey maps attached and a copy of our appraisal summary for this easement.

This line is extremely important. It is needed to serve the new customers in this area and the future growth of the City of Atlanta. If everything meets your approval the scheduled completion and need date of this project is early 2002. We appreciate your help and cooperation in this matter and look forward to discussing this important and vital project with you in the near future.

Sincerely,

J. B. Thomas, Jr.  
Land Location and Acquisition

Cc: Dorsey Walker

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Name of Line 1200 WHITE STREET 115 KV TAP  
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Parcel No 028 Account No 9596-999202-3148-9900-80400250  
Letter File 6-3057 Deed File 10150 Map File \_\_\_\_\_  
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State of Georgia  
Fulton County

## E A S E M E N T

For and in consideration of the sum of \_\_\_\_\_  
One and 00/100 \*\*\*\*\* Dollars  
\$ 1.00 in hand paid by Georgia Power Company, A Georgia Corporation  
(hereinafter referred to as "Georgia Power" which term shall include successors  
and assigns), the receipt and sufficiency of which is hereby acknowledged,  
City of Atlanta

(hereinafter referred to as "the Undersigned", which term shall include heirs,  
Successors and assigns) whose Post Office Address is \_\_\_\_\_  
739 West Peachtree Street NW, Suite 1790, Atlanta, GA 30335

does hereby grant to Georgia Power the rights to, from time to time, construct,  
operate, maintain, renew and rebuild overhead and underground electric  
transmission, distribution and communication lines, together with necessary or  
convenient towers, frames, poles, wires, manholes, conduits, fixtures,  
appliances, and protective wires and devices in connection therewith (all being  
hereinafter referred to as "the Facilities") upon or under a tract of land  
being more fully located and described below (hereinafter referred to as "the  
Premises"), together with the right of Georgia Power to grant, or permit the  
exercise of, the same rights, either in whole or in part, to others, and said  
rights are granted to Georgia Power together with all rights, privileges and  
easements necessary or convenient for the full enjoyment and use of the  
Premises for the purposes above described, including the right of ingress and  
egress to and from the Premises over lands of the Undersigned and the right to  
cut away and keep clear, remove and dispose of all trees and undergrowth and to  
remove and dispose of all obstructions now on the Premises or that may  
hereafter may be placed on the Premises by the Undersigned or any other person.

Further, Georgia Power shall have the right to cut, remove and dispose of dead,  
diseased, weak, or leaning trees (hereinafter referred to as "danger trees") on

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Parcel 028      Name of Line 1200 WHITE STREET 115 KV TAP  
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lands of the Undersigned adjacent to the Premises which may now or hereafter strike, injure, endanger or interfere with the maintenance and operation of any of the Facilities located on the Premises, provided that on future cutting of such danger trees, Georgia Power shall pay to the Undersigned the fair market value of the merchantable timber so cut, timber so cut to become the property of Georgia Power.

The Undersigned shall notify Georgia Power of any party with whom it contracts, and who owns as a result thereof, any danger trees to be cut as set forth above. Georgia Power shall also have, and is hereby granted, the right to install, maintain and use anchors or guy wires on lands of the Undersigned adjacent to the Premises and the right, when required by law or government regulations, to conduct scientific or other studies, including but not limited to environmental and archaeological studies, on or below the ground surface of the Premises.

The Premises are shown on a plat made by or for Georgia Power, and on file in Georgia Power's Land Department and are described as follows :

The tract of land which is the subject of this easement is more particularly shown on a Georgia Power Company drawing entitled "White Street Transmission Tap Line," Crossing the Property of the City of Atlanta and designated Exhibit "A", a copy of which is attached hereto, and made a part hereof and incorporated by reference. For a legal description of the easement granted herein, see Exhibit "B" attached hereto, and made a part hereof and incorporated by reference. Georgia Power hereby agrees to indemnify the Undersigned, its successors and assigns against, and hold the Undersigned, its successors and assigns harmless from and against any and all damage, liabilities and losses (including without limitation, reasonable attorney's fees and court cost) which may be asserted against the Undersigned, its successors and/or assigns, as a direct result of Georgia Power's negligent use of the easement area hereby granted and arising from the negligent exercise of the rights granted herein, provided that any such damage, liabilities and losses are not solely the proximate result of a negligent act or omission by the Undersigned, its employees, agents or contractors.

Georgia Power shall pay or tender to the Undersigned or owner thereof a fair market value for any growing crops, fruit trees or fences cut, damaged or destroyed on the Premises by employees of Georgia Power and its agents, in the construction, reconstruction, operation and maintenance of the Facilities, except those crops, fruit trees and fences which are an obstruction to the use of the Premises as herein provided or which interfere with or may be likely to interfere with or endanger the Facilities or the proper maintenance and operation, provided the Undersigned shall give Georgia Power written notice of the alleged damage within thirty (30) days after the alleged damage shall have been done. The Undersigned shall notify Georgia Power of any party with whom the Undersigned contracts and who owns, as a result thereof, any growing crops, fruit trees or fences, and the Undersigned shall inform said party of the notification provision set forth herein. Any growing crops, fruit trees or

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Parcel 028      Name of Line 1200 WHITE STREET 115 KV TAP  
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fences so cut or damaged on the Premises in the construction, operation and maintenance of the Facilities are to remain the property of the owner thereof.

It is agreed that part of the within named consideration is in full payment for all timber cut or to be cut in the initial clearing and construction of the Facilities and that timber so cut is to become the property of Georgia Power.

The Undersigned will notify Georgia Power in the event of Undersigned has contracted with another party who owns as a result thereof the timber to be so cut.

The Undersigned has the right to use the Premises for agricultural or any other purposes not inconsistent with the rights hereby granted, provided such use shall not injure or interfere with the proper operation, maintenance, repair, or extensions or additions to the Facilities, and provided further that no buildings or structures other than fences (which shall not exceed eight (8) feet in height and shall neither obstruct nor otherwise interfere with any of the rights granted to Georgia Power hereby) may be erected upon the Premises.

The Undersigned expressly grants to Georgia Power the right to take any action, whether at law or in equity, and whether by injunction, ejectment or other means, to prevent the construction, or after erection thereof to cause the removal, of any building or other structure(s) located on the Premises (other than fences as provided for herein), regardless of whether the offending party is the Undersigned or not. The Undersigned will notify Georgia Power in the event the Undersigned contracts with a third party owns, as a result thereof, any buildings or other such structures. The Undersigned acknowledges and agrees that said rights are necessary for the safe and proper exercise and use of the rights, privileges, easements, and interests herein granted to Georgia Power.

Georgia Power shall not be liable for or bound by any statement, agreement or understanding not expressed herein.

TO HAVE AND TO HOLD forever unto Georgia Power the rights, privileges, easements, powers, and interests granted herein, which shall be a covenant running with the title to the Premises.

The Undersigned warrants and will forever defend the title to the rights, privileges, and easements granted herein to Georgia Power against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Undersigned ha\_\_\_\_ hereunto set \_\_\_\_\_ hand\_\_\_\_ and seal, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signed, sealed and delivered  
in the presence of:

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Parcel 028      Name of Line 1200 WHITE STREET 115 KV TAP  
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City of Atlanta

\_\_\_\_\_  
Witness

By: \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
Notary Public

Attest: \_\_\_\_\_ (SEAL)

**EXHIBIT B**  
**Parcel No. 28**

All that tract or parcel of land situate, lying and being in Land Lot 107 of the 14<sup>th</sup> District, (City of Atlanta,) Fulton County, Georgia, and being a strip of land lying parallel with, adjacent to, contiguous with, and on the Southeasterly side of the 40-foot right-of-way of Murphy Avenue, said strip being more particularly described as follows: BEGINNING at an iron pin found at the intersection of the Southerly line of the 50-foot right-of-way of Gillette Street and the Southeasterly line of the 40-foot right-of-way of Murphy Avenue; thence from said POINT OF BEGINNING South 89° 21' 24" East along said Southerly right-of-way line of Gillette Street a distance of 20.08 feet to a point; thence South 18° 20' 29" West a distance of 171.77 feet to a point; thence South 27° 37' 31" West a distance of 429.81 feet to a point; thence South 34° 39' 07" West a distance of 21.99 feet to a point on the Northerly line of the 40-foot right-of-way of Lillian Avenue; thence North 89° 12' 59" West along said Northerly right-of-way line of Lillian Avenue a distance of 30.60 feet to its intersection with the Southeasterly line of the 40-foot right-of-way of Murphy Avenue; thence in a general Northeasterly direction along said Southeasterly right-of-way line of Murphy Avenue along a curve to the left, having a radius of 2443.52 feet and an arc distance of 627.87 feet, with a chord bearing and distance of North 26° 11' 48" East 626.05 feet, to the POINT OF BEGINNING, said tract containing 0.293 acre, more or less.

The above described tract of land is more particularly shown on Georgia Power Company's drawing of Parcel No. 28 on its White Street Transmission Tap Line, said drawing being designated "Exhibit A", Sheets 1 and 2 of 2, and being attached hereto and made a part hereof by reference.

# JOHN D. CRAWFORD

*Real Estate Valuation Consultant*

April 2, 2001

Mr. Art Kersey  
Georgia Power Company  
Land Department - 15th Floor Bin 10151  
241 Ralph Mc Gill Boulevard, NE  
Atlanta, Georgia 30308-3374

Re: Parcel 28  
White Street Transmission Tap Line  
SE/c (866) Murphy Avenue & Gillette Street  
APN: 0014-0107-0009-001, Fulton County  
City of Atlanta - Owner

Dear Mr. Kersey:

As requested, a Complete Appraisal Report in summary format of the above referenced property has been prepared setting forth the market value of the required permanent easement in a portion of the subject property. It is my understanding that the report will assist Georgia Power Company in the acquisition of right-of-way for installation of a transmission line.

The purpose of the appraisal is to provided a formal professional judgment as to the market value of the interest required in the subject property as of the date of appraisal.

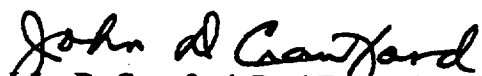
The preparation of the accompanying report is governed by the **Uniform Standards of Professional Appraisal Practice (USPAP)** as established by the Appraisal Standards Board of The Appraisal Foundation and the **Georgia Real Estate Appraiser Classification and Regulation Act**. The definitions of market value and other interests are as stated in the "Purpose and Date of Appraisal" section of the report.

A personal inspection of the subject property was made and all market data employed in the appraisal report is from sources believed to be reliable. As a result of my inspections, investigations and analyses, the conclusion derived as to the market value of the interest required in the subject property as of March 26, 2001, is:

**SIX THOUSAND FOUR HUNDRED DOLLARS..... \$6,400**

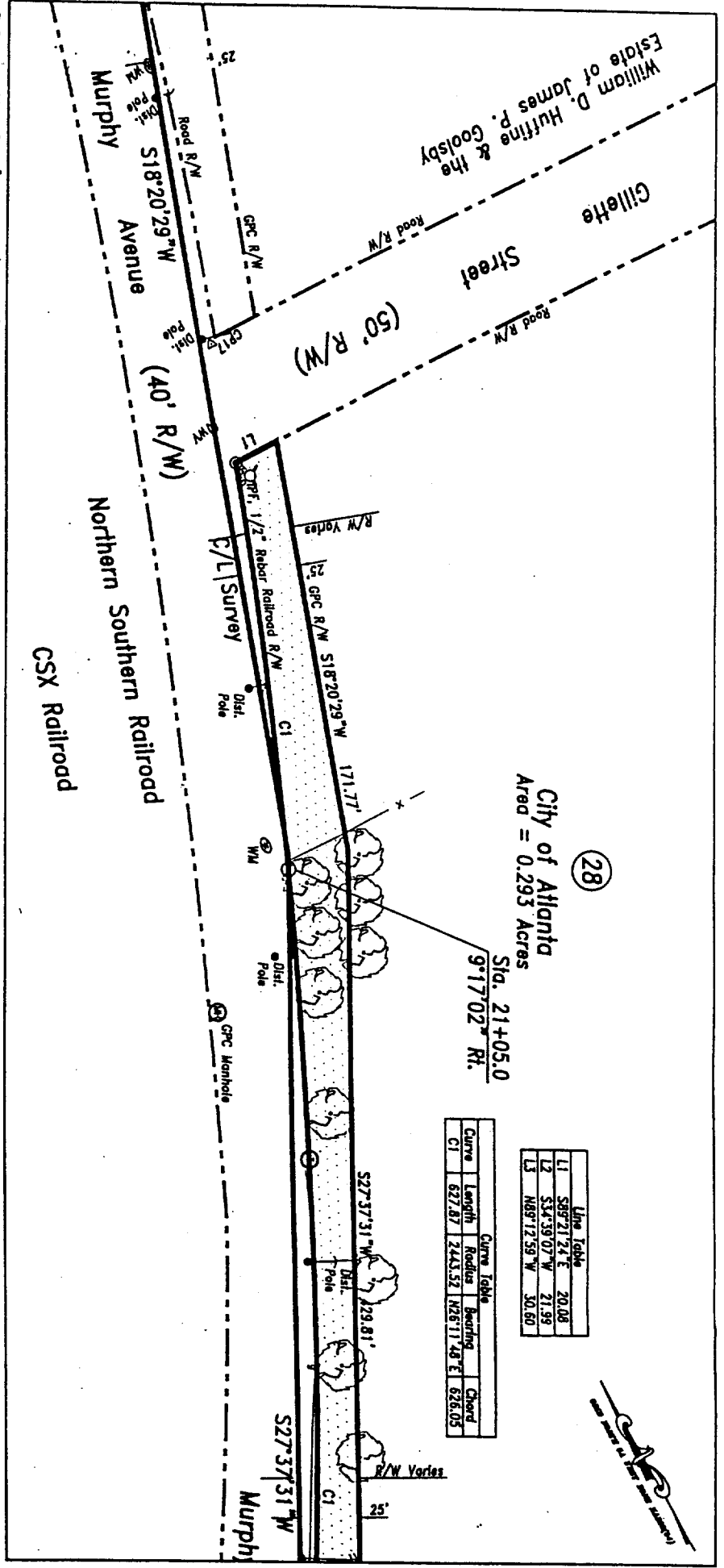
Thank you for engaging our services. I will be available to assist you as the need arises.

Sincerely,



John D. Crawford, Real Estate Consultant  
Georgia Certified General Real Estate Appraiser #1427





Line Table

Line	Length	Bearing	Chord
L1	589'21'24" E	20.08	
L2	534'39'07" W	21.99	
L3	188'12'59" W	30.60	

Curve Table

Curve	Length	Radius	Bearing	Chord
C1	627.87	2443.52	N26°11'48" E	626.05

Reference Map File #H-614-1 (Sheet 3)

**SYMBOL LEGEND**

- DEPICTS IRON PIN SET
- ⊙ DEPICTS IRON PIN FOUND
- ⊗ DEPICTS R/W MARKER
- ⊕ DEPICTS CONTROL MONUMENT
- DEPICTS EXISTING GPC POLE
- DEPICTS PROPOSED GPC POLE
- ⊕ DEPICTS POINT OF BEGINNING (POB)
- ⊗ DEPICTS R/W
- ⊕ DEPICTS BUILDING

**WHITE STREET TRANSMISSION TAP LINE**

**REF: WEST END-WILLINGHAM DRIVE T/L (WEST END-LAKEWOOD AVENUE SECTION)**

**CROSSING THE PROPERTY OF CITY OF ATLANTA**

**PARCEL No. 28**

**GEORGIA POWER COMPANY - LAND DEPARTMENT**

**LAND LOT 102, 14TH DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA**

**DATE: March 28, 2001**

**SCALE: 1" = 50'**

**DRAWN BY: acd**

**EXHIBIT A**

**SHT 1 OF 2**



## TRANSMITTAL FORM FOR SIGNIFICANT LEGISLATION

TO MAYOR'S OFFICE: Gregory G. Pridgeon, Deputy Chief of Staff

Commissioner's Signature: *Karl McCray* Director's Signature: *S. Dersch*

From (Originating Dept.): PRCA Contact (name): Sushma K. Dersch @  
817-6740

Committee(s) of Purview: CH/HRC Committee Deadline: 06/11/01

Committee Meeting Date(s): 06/27/01 City Council Meeting Date: 07/02/01

### CAPTION:

RESOLUTION BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AUTHORIZING THE MAYOR TO GRANT A PERMANENT CONSTRUCTION AND MAINTENANCE EASEMENT TO GEORGIA POWER COMPANY FOR THE PURPOSE OF INSTALLING AN ELECTRIC TRANSMISSION LINE AT THE NORTHWEST BOUNDARY OF ADAIR PARK II, SO AS TO PROVIDE SERVICES TO NEW CUSTOMERS IN THAT AREA AND TO ACCOMMODATE FOR FUTURE GROWTH, LOCATED IN LAND LOT 107 OF THE 14<sup>TH</sup> DISTRICT OF FULTON COUNTY ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS.

### BACKGROUND/PURPOSE/DISCUSSION:

The easement is needed to install overhead transmission lines from Metropolitan Avenue to a new substation at 1200 White Street.

FINANCIAL IMPACT (IF ANY): None to the City, however, the appraised value of the easement is \$6,400.00 (as appraised by John D. Crawford). Georgia Power will pay that amount as a one-time payment to the City.

### FOR MAYOR'S STAFF ONLY

Received by Mayor's Office: 6/11/01 (date) Reviewed: *JS* (initials/date)

Submitted to Council: \_\_\_\_\_  
(date)

Action by Committee: \_\_\_\_\_ Approved \_\_\_\_\_ Adversed \_\_\_\_\_ Held \_\_\_\_\_ Amended  
\_\_\_\_\_ Substitute \_\_\_\_\_ Referred \_\_\_\_\_ Other

## **AMENDMENT**

### **Community Development/Human Resources Committee**

Resolution 01-R-0919

**(1) Amend Section I which reads:**

"That the Mayor be and is hereby authorized to grant a permanent construction and maintenance easement to the Georgia Power Company for the purpose of installing an electric transmission line at the northwest boundary of Adair Park II so as to allow for servicing new customers in the area and to accommodate for future growth, the proposed route will run from Metropolitan Avenue to a new substation at 1200 White Street, in Land Lot 107 of the 14th District of Fulton County, Georgia"

**to read instead:**

"That the Mayor be and is hereby authorized to grant a permanent construction and maintenance easement to the Georgia Power Company for the purpose of installing an electric transmission line at the northwest boundary of Adair Park II so as to allow for servicing new customers in the area and to accommodate for future growth, **for a sum not less than \$6,400.00.** The proposed route will run from Metropolitan Avenue to a new substation at 1200 White Street, in Land Lot 107 of the 14th District of Fulton County, Georgia"

**(2) Amend the Caption to add the phrase "for a sum of not less than \$6,400.00" after the word "growth" in Line 6.**

01-0-0996

(Do Not Write Above This Line)

AN ORDINANCE

COMMUNITY DEVELOPMENT/HUMAN  
RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR  
TO GRANT A PERMANENT CONSTRUCTION  
AND MAINTNEANCE EASEMENT TO GEORGIA  
POWER COMPANY FOR THE PURPOSE OF  
INSTALLING AN ELECTRIC TRANSMISSION  
LINE AT THE NORTHWEST BOUNDARY OF  
ADAIR PARK II, SO AS TO PROVIDE SERVICES  
TO NEW CUSTOMERS IN THAT AREA AND TO  
ACCOMMODATE FOR FUTURE GROWTH,  
LOCATED IN LAND LOT 107 OF THE 14TH  
DISTRICT OF FULTON COUNTY ON BEHALF  
OF THE DEPARTMENT OF PARKS,  
RECREATION AND CULTURAL AFFAIRS.

- ☐ ☐ ☐ ☐ ☐
- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION